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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,495	04/16/2004	Kazuo Urata	51270-309265	1341
7590	08/16/2006			
Roger R. Wise PILLSBURY WINTHROP LLP Suite 2800 725 South Figueroa Street Los Angeles, CA 90017-5406			EXAMINER	MAGEE, CHRISTOPHER R
			ART UNIT	PAPER NUMBER
			2627	
DATE MAILED: 08/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/826,495	URATA ET AL.
	Examiner	Art Unit
	Christopher R. Magee	2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/04/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement(s) (IDS) submitted on 11/12/2004 is/are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

- Claims 1-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Mayumi (JP 2001-110175).
- Regarding claims 1, 6 and 7, Mayumi discloses an optical disk drive comprising:  
a plate member 1B disposed between an upper disk surface of an optical disk under rotation and a housing above the upper disk surface and extending along a direction crossing a disk track;

a space [ $T_o$ ; shown in Figure 3;] for guiding an air flow 30 generated between the upper disk surface and the housing during rotation of the optical disk in between the disk upper surface and a lower surface of the plate member and in between an upper surface of the plate member and the housing, and

a repetitive structure 22 formed on edge portions of the plate member, the repetitive structure rectifying the air flow generated during disk rotation above the upper disk surface and extending along a direction crossing the disk track [Figure 3].

- Regarding claim 2, Mayumi shows the repetitive structure has a repetitive shape as viewed in plan [Figure 2].
- Regarding claim 3, Mayumi shows the repetitive structure has also a repetitive shape as viewed in elevation synchronized with the repetitive shape as viewed in plan [Figure 2].
- Regarding claim 4, Mayumi shows the repetitive structure is formed on the edge on an output side of the airflow generated above the disk upper surface during disk rotation [Figure 2].
- Regarding claim 5, Mayumi shows the plate member is made of a metal plate not formed with a rib on the edge portion extending along a direction crossing the disk track [Figure 2].
- Regarding claim 8, Mayumi shows the repetitive structure is a repetition of convex stripes formed on the lower surface of the plate member and extending along a disk track direction [section 0016; Figure 2].
- Regarding claim 9, Mayumi shows the repetitive structure terminates a repetition at a position of the edge portion corresponding to a position detracted by a predetermined distance from an outer circumference of the optical disk [Figure 2].
- Regarding claim 10, Mayumi discloses an optical disk drive comprising:

a disk tray 2 having an opening extending along a direction crossing a tangential direction of a disk track [Figure 1];

a repetitive structure 22 formed on formed on opposite end portions of the opening, the repetitive structure rectifying the air flow generated during disk rotation and having a wave shape as viewed in plan [Figure 2].

- Regarding claim 11, Mayumi discloses an optical disk drive comprising:

a plurality of convex stripes [section 0016] formed on inner surfaces of side walls of a structural member defining a space for accommodating an optical disk, the convex stripes extending along a horizontal direction, protruding into the space and rectifying an air flow generated during disk rotation [Figures 2 and 3].

- Regarding claim 12, Mayumi discloses an optical disk drive comprising:

a plurality of concave stripes [section 16] formed on inner surfaces of side walls of a structural member defining a space for accommodating an optical disk, the concave stripes extending along a horizontal direction, retarded from the space, and rectifying an air flow generated during disk rotation [Figures 2 and 3].

### *Conclusion*

4. The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure has been annotated on PTO-492.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (571) 272-7592. The examiner can normally be reached on M-F, 8: 00 am-4: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher R. Magee  
Patent Examiner  
Art Unit 2627

August 10, 2006  
crm



WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



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# Fax Cover Sheet

**Date:** 23 Aug 2006

<b>To:</b> Mr. Michael Gutierrez	<b>From:</b> Christopher R. Magee
<b>Application/Control Number:</b> 10/826,495	<b>Art Unit:</b> 2627
<b>Fax No.:</b> 213-629-1033	<b>Phone No.:</b> (571) 272-7592
<b>Voice No.:</b> 213-488-7506	<b>Return Fax No.:</b> (571) 273-8300
<b>Re:</b> 10/826,495	<b>CC:</b>
<input checked="" type="checkbox"/> <b>Urgent</b> <input type="checkbox"/> <b>For Review</b> <input type="checkbox"/> <b>For Comment</b> <input type="checkbox"/> <b>For Reply</b> <input checked="" type="checkbox"/> <b>Per Your Request</b>	

**Comments:**

Attached is a new PTOL-326, indicating the shortened statutory period for reply is 3 months.

Christopher R. Magee  
Patent Examiner  
Art Unit 2627

**Number of pages 2 including this page**

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